

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCISCO ORTIZ,

No. C 08-4834 SI (pr)

Petitioner,

ORDER

v.

D. G. ADAMS, warden,

Respondent.

Petitioner has moved for appointment of counsel to represent him in this action. A district court may appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require and such person is financially unable to obtain representation." 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. See Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986), cert. denied, 481 U.S. 1023 (1987). Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. See id. Based on the materials in the court file, it does not appear that appointment of counsel is necessary in this action. The motion for appointment of counsel is DENIED. (Docket # 8.)

/ / /

/ / /

1 Respondent has filed an ex parte request for a 60-day extension of time to respond to
2 the petition for writ of habeas corpus. Having considered the request and the accompanying
3 declaration of attorney Violet Lee, the court GRANTS respondent's request. (Docket # 6.)
4 Respondent must file and serve his response to the petition no later than **July 10, 2009**.
5 Petitioner must file and serve his traverse no later than **August 14, 2009**.

6 IT IS SO ORDERED.

7 DATED: May 11, 2009



SUSAN ILLSTON
United States District Judge